

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Riley Hawkins, Shawn D. Stad, Christopher Rogers, Alexander Grinberg,
Ronald Naughton, Michael D. Sorrenti, Niall P. Casey, Mark Gracia, Carl Souza
and Pat Fatyol

Application No.: 10/813,899

Group Art Unit: 3732

Filed: March 31, 2004

Examiner: Not Assigned

Confirmation No.: 1803

Title: METHOD AND APPARATUS FOR ARTIFICIAL DISC INSERTION

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
SEPT. 10, 2004	<i>Christine A. Budd</i>
Date	Signature
CHRISTINE A. BUDD	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☒ Copies of the cited references are enclosed.
 - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - ☒ The listed reference, AB, AD, AG, AH and AL-AQ were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☒ The "concise explanation" requirement (non-English references) for reference AL and AO under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☒ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: 9/12/04

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.
3518.1001-001APPLICATION NO.
10/813,899INFORMATION DISCLOSURE CITATION
IN AN APPLICATIONFIRST NAMED INVENTOR
John Riley HawkinsFILING DATE
March 31, 2004EXAMINER
Not AssignedCONFIRMATION NO.
1803GROUP
3732

September 9, 2004

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	US 2001/0010001 A1	07-26-2001	Michelson
	AB	US 2001/0010002 A1	07-26-2001	Michelson
	AC	US 2002/0082701 A1	06-27-2002	Zdeblick et al.
	AD	US 2002/0068936 A1	06-06-2002	Burkus et al.
	AE	US 2003/0032962 A1	02-13-2003	McGahan et al.
	AF	US 2003/0040802 A1	02-27-2003	Errico et al.
	AG	5,571,109	11-05-1996	Bertagnoli
	AH	6,159, 215	12-12-2000	Urbahns et al.
	AI	US 6,419,704 B1	07-16-2002	Ferree
	AJ			
	AK			
	AA2			
	AB2			
	AC2			
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	AE2			
	AF2			
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	AA3			
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	AC3			

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION September 9, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3518.1001-001		APPLICATION NO. 10/813,899	
	FIRST NAMED INVENTOR John Riley Hawkins		FILING DATE March 31, 2004	
	EXAMINER Not Assigned		CONFIRMATION NO. 1803	GROUP 3732

FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	DE 100 35 182 A 1	02-07-2002	Aesculap AG & Co. KG		X
	AM	EP 1 153 582 A2	11-14-2001	DePuy AcroMed, Inc.		
	AN	EP 1 283 026 A2	02-12-2003	DePuy AcroMed, Inc.		
	AO	WO 00/44288	08-03-2000	Aesculap AG & Co. KG		
	AP	WO 01/28469 A2	04-26-2001	SDGI Holdings, Inc.		
	AQ	WO 01/28469 A3	04-26-2001	SDGI Holdings, Inc.		
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	AQ4					

EXAMINER	DATE CONSIDERED
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